

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Trustees of the Northern Nevada Laborers Health & Welfare Trust Fund, et al.,

Plaintiffs,

CASE NO.: 3:17-CV-00577-RCJ-CBC

V.

Allegheny Casualty Company, et al.,

Defendants.

ORDER

Defendant and Counterclaimant Allegheny Casualty Company (Allegheny) is the surety of bonds for this case and has filed Motion Interpleader (ECF No. 106). This motion has gone unchallenged; however, Allegheny discovered four additional claimants (MGM Resorts Design and Development, CEMEX, Dielco Crane Service, Inc., and Shaw-Lundquist Associates, Inc.) during the pendency of the motion. Thus, Allegheny filed Motion for Leave to File Second Amended Counterclaim (ECF No. 109) to add these four claimants to its counterclaim for interpleader. This motion has also gone unchallenged. The Court grants Motion for Leave to File under LR 7-2(d), since no party objected.

The granting of Motion for Leave to File requires that the four new claimants are given an opportunity to respond prior to the Court granting the Motion Interpleader. Accordingly, the Court denies this motion without prejudice with leave to refile when the motion becomes ripe.

CONCLUSION

IT IS HEREBY ORDERED that Motion Interpleader (ECF No. 106) is DENIED WITHOUT PREJUDICE.

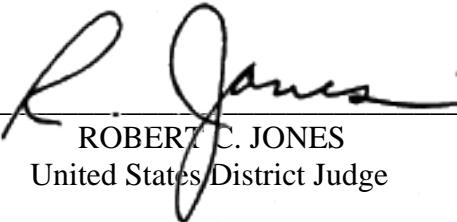
1 IT IS FURTHER ORDERED that Motion for Leave to File Second Amended
2 Counterclaim (ECF No. 109) is GRANTED.

3 IT IS FURTHER ORDERED that the clerk of the Court shall file Exhibit 4 of Motion for
4 Leave to File Second Amended Counterclaim (ECF No. 109) as the Second Amended
5 Counterclaim.

6 IT IS FURTHER ORDERED that all previously filed answers, dismissals, and defaults to
7 the First Amended Counterclaim shall apply to the Second Amended Counterclaim.

8 IT IS SO ORDERED.

9 DATED: This 27th day of August, 2019.

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12 ROBERT C. JONES
13 United States District Judge
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